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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,076	06/25/2003	Hans-Walter Wodtke	03193/000M886-US0	6532

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EXAMINER

JOHNSON, VICKY A

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/607,076	Applicant(s) WODTKE, HANS-WALTER	
	Examiner Vicky A. Johnson	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-10, 12, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Fogelberg (US 5,257,543).

Fogelberg discloses a gear drive mechanism with an anti-rattle device, comprising: a first gear (10) rotatable about a first axis, a second gear (14) rotatable about a second axis, wherein the second gear meshes with the first gear (see Fig 1), and the second axis is located at a predetermined distance from the first axis (see Fig 1), a first friction rim surface that is rotationally coupled to the first gear (see Fig 1), and a second friction rim surface that is rotationally coupled to the second gear (see Fig 1), wherein the first friction rim surface and the second friction rim surface are in mutual contact with each other and thereby enabled to transmit a friction-based torque between each other (col. 1 lines 39-48), the first and second gear having first and seconds retaining features formed as protrusions (well known).

Re claim 2, at least one of the first and second friction rim surfaces is formed on the respective one of a first and second friction wheel (23, 26, 33) attached to one side of the respective one of the first and second gears.

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Re claim 3, the first and second friction rim surfaces have frusto-conical shapes with respective first and second median radii (col. 3 lines 30-35), and wherein said first and second median radii are equal to respective pitch circle radii of the first and second gears (col. 4 lines 50-63).

Re claim 5, one of the first and second friction rim surfaces is biased against the other with a pre-tensioning force acting in a direction that causes an increased contact pressure between the first and second friction rim surfaces (col. 3 lines 1-21).

Re claim 6, said pre-tensioning force is directed axially (col. 3 lines 1-21).

Re claim 7, the biased one of said first and second friction rim surfaces is formed on an outer circumference of a dish-shaped spring disc (col. 3 lines 18-21).

Re claim 8, the first and second friction rim surfaces are formed, respectively, on first and second ring discs that are coaxially arranged on, respectively, the first and second gears (see Fig 1).

Re claim 9, the first and second friction rim surfaces are hardened (the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight).

Re claim 10, the first and second friction rim surfaces are provided with a coating (inherent, lubrication see col. 3 lines 22-39).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fogelberg (US 5,257,543).

Fogelberg discloses a device as described above, but does not disclose the frusto-conical shapes have cone angles of substantially 25.degree.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to discover the optimum value, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Re claim 11, Fogelberg discloses a device as described above, but does not disclose the first friction rim surface comprises two first parts arranged, respectively, on opposite sides of the first gear, and wherein the second friction rim surface comprises two second parts arranged, respectively, on opposite sides of the second gear.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a second anti rattle device on the opposite side of the gear, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ

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8.

Response to Arguments

Some further comments regarding the applicant's remarks are deemed appropriate.

The applicant argues that the Fogelberg reference fails to meet the limitations of the claims because it fails to disclose an elastic frusto-conically shaped disk. In column 3 lines 30-35 discloses the disks having a conical shape, which is well known to the art as shown by the prior art of record. Fogelberg also teaches that the anti-rattle device is elastic, see column 3 lines 22-30.

The applicant's remarks have been accorded due consideration, however, they are not deemed fully persuasive.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,997,076 Menjak et al (conical disks)

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the


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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vicky A. Johnson whose telephone number is (571) 272-7106. The examiner can normally be reached on Monday-Friday (7:00a-3:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6217. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Vicky A. Johnson
Primary Examiner
Art Unit 3682
5/8/04